

REMARKS

Claims 1-28 were examined in the Office Action mailed October 8, 2008.

The following rejections are currently pending:

- Rejection of claims 1-9 under 35 U.S.C. § 102(e) as anticipated by newly-cited International Patent Publication No. WO 2004/026649 ("Simmons").
- Rejection of claims 10-15 under 35 U.S.C. § 103(a) as unpatentable over Simmons in view of U.S. Patent Publication No. 2002/0166740 ("Zhang").
- Rejection of claims 16-21 under § 103(a) as unpatentable over Simmons in view of U.S. Patent No. 4,583,609 to Anderson, *et al.* ("Anderson").
- Rejection of claims 23-28 under § 103(a) as unpatentable over Simmons and Anderson, in further view Zhang.

The Applicant has amended independent claims 1 and 16 to further recite the arrangements of the claimed brake disc, in particular the use of a connecting flange which extends in the axial direction to laterally locate the friction portion of the brake disc, well inboard of the hub end of the vehicle axle: "wherein the hub portion is displaced in an axial direction from the friction portion, the axial direction corresponding to an axis of rotation of the hub portion and the friction portion," and "the connecting flange portion extends in the axial direction to connect a radially outer region of the hub portion to a radially inner region of the friction portion."

1. The Claims Are Patentable Over The Simmons Reference. The Applicant respectfully traverses the rejections based on Simmons, on the ground this reference does not disclose or suggest all of the features of the present invention recited in the independent claims.

The Simmons reference discloses motorcycle brake arrangement in which the friction portion of the brake (Fig. 5, element 18) is driven by a gear assembly (elements 24-28) in a direction opposite of the wheel's rotation, and the friction portion is made heavy enough to counter at least a portion of the gyroscopic stability of the wheel to make the motorcycle easier to turn. Simmons at 6:1-9; Abstract.

In the Simmons design, the hub end of the brake disc and the friction portion are not axially displaced from one another, but instead occupy the same plane (the part identified by the Examiner as the recited hub, "integral brake carrier 20," extends to both sides of "brake disc" 18¹). In addition, Simmons' "hub end" 20 is not "adapted to be mounted on a hub end of a vehicle axle," but instead is mounted to the outboard side of a complex counter-rotation gear assembly 24-28, *i.e.*, not to the hub end of an axle.

Thus, Simmons does not disclose or suggest the pending claims' brake disc in which "the hub portion is *displaced in an axial direction* from the friction portion," "the connecting flange portion *extends in the axial direction* to connect" the hub and friction portions, and "the connecting flange portion has a length such that when *the hub portion* [of the brake disc] ... [is] located at the hub end of the axle, the friction portion is outboard of the wheel rim."

¹ The Applicant notes that Simmons also does not view its integral brake carrier to be a part of a brake disk, as this reference refers only to element 18 as its "brake disc."

Because Simmons fails to disclose or suggest the arrangements recited in amended independent claims 1 and 16, this reference does not anticipate or render unpatentable claims 1-28 under § 102(e) or § 103(a).² Accordingly, reconsideration and withdrawal of the rejections based on the Simmons reference, and issuance of a Notice of Allowance for claims 1-28, is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #011351.52877US).

Respectfully submitted,

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Jeffrey D. Sanok, Registration No. 32,169
Mark H. Neblett, Registration No. 42,028

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844

² The Zhang and Anderson references, cited for teaching use of cooling fins and a brake caliper arrangement, respectively, do not cure Simmon's deficiencies.